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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KENNETH MURCHISON,	:	No. 3:CV-11-1944
Plaintiff		:
		(JUDGE CAPUTO)
v.	:	
		(MAGISTRATE JUDGE BLEWITT)
WARDEN B. A. BLEDSOE, et al.,	:	
Defendants		:
		Filed Electronically

**DEFENDANTS' MOTION TO DISMISS, OR IN THE
ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT**

Defendants ask this Court to dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b), or in the event the Court does not dismiss the Complaint in its entirety, Defendants ask the Court to enter summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

PETER J. SMITH
United States Attorney

Date: October 15, 2012

s/ Michael Thiel
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That on October 15, 2012, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

ADDRESSEE:

Kenneth Murchison
06500-059
USP-Lewisburg
PO Box 1000
Lewisburg, PA 17837

s/ Kimberly A. Stevens
Kimberly A. Stevens
Paralegal Specialist